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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.               | CONFIRMATION NO.       |
|---|-------------|----------------------|-----------------------------------|------------------------|
| 09/804,910  | 03/13/2001  | Ivan Wong Yin Yang   | 00100.01.0038                     | 2786                   |
| 29153 7590 11/16/2007<br>ADVANCED MICRO DEVICES, INC.<br>C/O VEDDER PRICE KAUFMAN & KAMMHOLZ, P.C.<br>222 N.LASALLE STREET<br>CHICAGO, IL 60601 |             |                      | EXAMINER<br>VAN HANDEL, MICHAEL P |                        |
|   |             |                      | ART UNIT<br>2623                  | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>11/16/2007           | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/804,910

Applicant(s)

YANG ET AL.

Examiner

Michael Van Handel

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 6-10, 15-22, 24, 26, 28-31 and 36-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-10, 15-22, 24, 26, 28-31, 36-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Miscellaneous***

1. Please note that the examiner of record has changed.

### ***Response to Amendment***

1. This action is responsive to an Amendment filed 4/04/2007. Claims 6-10, 15-22, 24, 26, 28-31, 36-41 are pending. Claims 1-5, 11-14, 23, 25, 27, 32-35 are canceled.

### ***Response to Arguments***

1. Applicant's arguments regarding claims 6, 16, 19, 22, 24, 26, 36, and 39, filed 4/04/2007, have been fully considered, but they are not persuasive.

Regarding claims 6, 16, 19, 22, 24, 26, 36, and 39, the applicant argues that Ellis et al. does not teach or suggest that the extended electronic program guide is organized as a grid of entries, each of the entries including the information related to at least one of: the current live stream and the future live stream and wherein at least one entry indicates presence of existent recorded material associated with the information related to at least one of: the current live stream and the future live stream, when available. The examiner respectfully disagrees. Ellis et al. discloses an interactive program guide that provides users with an opportunity to select programs for recording on a local media server. The program guide provides users with VCR-like control over programs that are played back from the media servers and over real-time cached copies of the programs (Abstract). Ellis et al. further discloses program listings screens in which

Art Unit: 2623

a user may view program listings by time, channel, or category (p. 10, paragraphs 123, 124 & Figs. 11a-11c). The program listings screens may also include listings for programs recorded by, or selected for recording by, local media server 29. Recorded programs may be displayed at the beginning of the listings. For example, Figure 11b shows a comedy program listing for a recorded copy of the comedy "Saturday Night Live" along with the regular comedy program listings. Figure 11c shows a movie listing for a recorded copy of the movie "Perfect Body" along with the regular movie program listings (p. 11, paragraph 125 & Figs. 11b, 11c). The examiner interprets the regular program listings of Figs. 11b and 11c to be "a grid of entries, each of the entries including the information related to at least one of: the current live stream and the future live stream," as currently claimed. The examiner interprets each of "Saturday Night Live" and "Perfect Body" in Figures 11b and 11c, respectively, to be "at least one entry indicates presence of existent recorded material associated with the information related to the at least one of: the current live stream and the future live stream, when available," as currently claimed.

The examiner acknowledges the applicant's arguments that "Ellis does not appear to provide a program guide wherein a given entry includes information directed to current live stream or future live stream and that also indicates the presence of existent recorded material associated with the included information," that "Ellis does not appear to teach an entry that is capable of indicating both current or future live streams and existent recorded material," and that "Applicants claim a system ... wherein each of the entries include[es] the information related to at least one of the: current live stream and the future live stream ... and ... at least one entry [i.e. of the grid of entries] indicates presence of existent recorded material associated." The examiner notes; however, that the features upon which applicant relies (i.e., "a given entry includes

Art Unit: 2623

information directed to current live stream or future live stream and that also indicates the presence of existent recorded material associated with the included information,” “an entry that is capable of indicating both current or future live streams and existent recorded material,” and “at least one entry of the grid of entries...,” respectively) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In an alternative interpretation, Ellis et al. discloses the display of an icon 299 in a listing (“I Love Lucy” in this case) that indicates that the listed program is a pending selection scheduled for recording (p. 11, paragraph 125 & Fig. 11a). The examiner notes that when icon 299 is displayed in a listing of programming material that is currently being shown, the icon would indicate to the user that a portion of the program has been recorded. This also meets the limitation of “the extended electronic program guide is organized as a grid of entries, each of the entries including the information related to at least one of: the current live stream and the future live stream and wherein at least one entry indicates presence of existent recorded material associated with the information related to the at least one of: the current live stream and the future live stream, when available,” as currently claimed.

In still another alternative interpretation, Ellis et al. discloses that, when a user selects a program that is part of a program grouping or series (“I Love Lucy” in this case), an overlay may indicate this to the user and prompt the user to confirm whether the user wishes to record all programs in the grouping. If the user selects “Yes,” local media server 29 may record all programs in the grouping (p. 12, paragraph 137 & Fig. 14e). Ellis et al. further discloses that,

Art Unit: 2623

when a user indicates a desire to record a program grouping, the request may include a grouping identifier of the constituent programs or may generate separate record requests for each program in the grouping (p. 18, paragraph 187 & Fig. 26). As noted above, an icon 299 will be generated for each of the constituent program listings indicating that the program is scheduled for recording (Fig. 11a). After having recorded the next airing program of the series, each of the indicators in the other constituent program listings will serve as an indication to the user that they have locally stored programs of the "I Love Lucy" series. This also meets the limitation of "the extended electronic program guide is organized as a grid of entries, each of the entries including the information related to at least one of: the current live stream and the future live stream and wherein at least one entry indicates presence of existent recorded material associated with the information related to the at least one of: the current live stream and the future live stream, when available," as currently claimed.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 6-10, 15-22, 24, 26, 28-31, 36, 38-39, and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al. (US 2003/0149988).

Art Unit: 2623

Regarding claims **6, 22, 24, 26, 36** and **39**, Ellis teaches as method and system for integrating television program listings with movies recorded on a local database (see Fig. 7; §0098) thereby providing an EPG.

Ellis discloses a database integrator (see § 0066 Fig. 4) that produces for display the program guide (Fig. 10), wherein a use can select the media directory for accessing information related to the user-initiated recorded material. The information including information about recorded material (see fig. 11b,c; see § 0123-0126).

Ellis further discloses displaying EPG wherein information related to recorded material is displaying with television broadcast information wherein the EPG is organized as a grid of entries, each of the entries including the information related to at least one of the current live stream and the future live stream and wherein at least one entry indicates presence of existent recorded material associated with the information related to the at least one of the current live stream and the future live stream (see Fig. 11c; el. 151).

As to claim **7**, Ellis further discloses the claimed recorded material includes time shifting data of a predetermined data stream (see § 0011; §0076).

Regarding claims **8, 9, 28** and **29**, Ellis further discloses wherein the recorded material(s) is material derived from a source of digital data (see §0087; §0125 and §0133).

As to claims **10, 17, 20**, and **30**, Ellis further discloses the digital material database includes predetermined recorded stored material data, identification data and at least one of data

Art Unit: 2623

representing time recorded, time duration, actors/actress, rating and password (see fig. 11b,c ; Fig. 18a,b,c,d and Fig. 19).

Regarding claims **15, 18, 21** and **31**, Ellis further discloses the claimed wherein the information regarding at least one of the current live stream and future live stream correspondingly includes at least one of identification of the current live stream and identification of the future live stream (see Fig. 11b), and the information related to recorded material includes identification of the recorded material (see fig. 11b).

As to claims **16** and **19**, the claim limitations are redundant to the above claims **6** and **7** have been addressed above are not reiterated.

Claim **38** and **41** are analyzed with respect to claim **7**.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **37, 40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US 2003/0149988).



As to claims **37** and **40**, Applicant's failure to adequately traverse the Examiner's taking of Official Notice (it would have been well known to use "symbol" as indicator for the benefit of alerting/notifying user of existence additional information) in the last Office Action is taken as an admission of the fact(s) noticed. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Ellis et al. to include the claimed limitation, such as that taught by the admitted prior art in order to notify or alert a user of the existence of a recorded program on the EPG.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Art Unit: 2623

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571-272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MVH

  
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